

**In the United States District Court
For the Southern District of Georgia
Waycross Division**

CRYSTAL PAP,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

CIVIL ACTION NO.: 5:17-cv-139

FILED
U.S. DISTRICT COURT
WAYCROSS DIV.
2019 MAR 27 PM 4:34
CLERK TRB
SO. DIST. OF GA.

ORDER

The Court has conducted an independent and de novo review of the entire record and concurs with the Magistrate Judge's Report and Recommendation, dkt. no. 18. The Court has additionally considered Plaintiff's Objections to the Report and Recommendation, dkt. no. 19. For the reasons set forth below, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court.

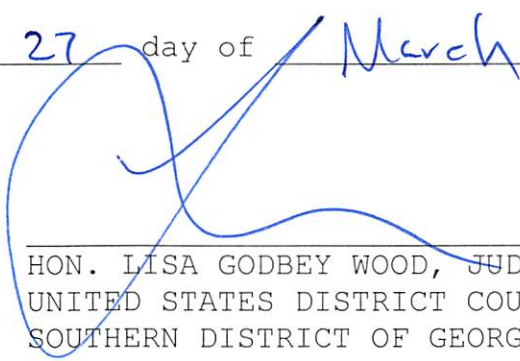
In her Objections, Plaintiff asserts the Court should reject the Report and Recommendation and credit the opinion of her long-time treating physician that she would miss at least three days from work a month and needs to elevate her legs during an eight-hour workday. Id. at p. 5.

Plaintiff's Objections, as well as her initial pleadings, serve to underscore her dissatisfaction with the Administrative Law Judge's ("ALJ") determination that she is not disabled within the meaning of the Social Security Act. In addition, it appears Plaintiff wishes for this Court to re-weigh the evidence presented to the ALJ, which this Court cannot do. A reviewing court does not "decide facts anew, reweigh the evidence or substitute" its judgment for that of the Commissioner. Dyer v. Barnhart, 395 F.3d 1206, 1210 (11th Cir. 2005). Even if the evidence preponderates against the Commissioner's factual findings, the court must affirm a decision supported by substantial evidence. Id. As the Magistrate Judge correctly concluded, substantial evidence supports the ALJ's determination to give moderate weight to Plaintiff's treating physician's opinion. Dkt. No. 18, pp. 11-14. The ALJ recognized the longstanding relationship between Plaintiff and her treating physician, yet the ALJ determined the record as a whole did not support the treating physician's opinions. Dkt. No. 10-3, pp. 14-15. The ALJ provided reasons to discount partially Plaintiff's treating physician's opinion, and the ALJ's determination is supported by substantial evidence. Dkt. No. 18, pp. 11-14.

The Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of

the Court. The Court **AFFIRMS** the decision of the Commissioner and **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal.

SO ORDERED, this 27 day of March, 2019.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA